

Rocky Mount fire truck crash case settled

- By Zach Crizer | The Roanoke Times
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ROCKY MOUNT — The tangled, emotionally fraught web of blame over the 2010 crash that killed two volunteer firefighters was put to rest here Monday, as a \$186,000 settlement was approved, concluding a wrongful death lawsuit.

Franklin County Circuit Court Judge William Alexander deemed the settlement appropriate Monday afternoon in a brief conference call. The agreement was reached in February, after Alexander urged the parties involved to agree to terms and avoid a second jury trial, which would have been necessary to determine damages.

The case stuck an emotional wedge in the town, with one firefighter's family pursuing litigation against another, and also against the other driver involved. Brian Brydges, an attorney who represented the civilian driver, said it was a relief to see the case come to an end.

"Any settlement that brings it to an end for the parties involved and for the town of Rocky Mount is a good thing," he said.

The painful struggle started July 26, 2010, in the no man's land at the center of an intersection — the corner of Virginia 40 and School Board Road.

Posey Dillon, 59, and William "Danny" Altice, 67, were charging toward Union Hall, in the midst of an effort to respond to a fire. The fire truck Dillon was driving crashed into an SUV driven by Teri Anne Valentine, Brydges' client. The truck rolled and the firefighters were ejected. Both men died from their injuries.

A Virginia State Police investigator found that Dillon failed to stop the truck, operating it "without regard for the safety of individuals on the roadway."

Christie Altice-Weaver, Altice's daughter and the executor of his estate, filed suit against both Dillon's estate and Valentine in 2012. Over the course of the litigation, both Valentine's failure to notice the approaching fire truck — lights on and sirens blaring — and Dillon's speed heading toward the intersection were posited as causes of the crash.

The case's first trial, in September, ended with a jury finding that Teri Anne Valentine was liable, but only awarding family members — including a son and granddaughter, in addition to Altice-Weaver — the money for funeral costs. That jury cleared Dillon of negligence, and his estate of liability, but Alexander said in December that he had placed too many limitations on an expert witness testifying about Dillon's approach to the intersection.

He also explained that the jurors should have awarded damages for sorrow and loss. As a result, a second trial was scheduled for July, but the parties settled, as Alexander recommended. The judge had recommended a total of \$175,000 for the settlement.

Tony Russell, an attorney who represented Altice's relatives, said it became clear a settlement was the best way forward, even though he and his clients were open to continuing on.

"The whole time, we just wanted to see justice," he said. "We were looking to get the best result possible."

In the settlement, Altice's relatives will receive about \$86,000 once court costs and attorney's fees are extracted. Altice-Weaver and her brother, Carey Altice, will each receive 40 percent of the sum, while Kayla Altice, a granddaughter, will have 20 percent of the money. Her share will be held by the court until she turns 18.

The attorneys could not divulge the breakdown of which defendants were paying the settlement — although Valentine's attorney was obtained by Geico and Dillon's estate's attorney through Municipal League insurance — but Brydges said the agreement ends the litigation for all of the parties.

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